

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF KENTUCKY CGSA, INC.,)	
LEXINGTON MSA LIMITED PARTNERSHIP,)	
AND NASHVILLE/CLARKSVILLE MSA LIMITED)	CASE NO.
PARTNERSHIP FOR CONFIDENTIAL TREATMENT)	93-122
OF THEIR 1992 ANNUAL REPORTS)	

O R D E R

This matter arising upon petition of Kentucky CGSA, Inc., Lexington MSA Limited Partnership, and Nashville/Clarksville MSA Limited Partnership (collectively "Partnerships") filed March 31, 1993 for confidential protection of certain financial information contained in their 1992 Annual Reports and 1992 Reports of Gross Operating Revenues on the grounds that disclosure of the information is likely to cause Partnerships competitive injury, and it appearing to this Commission as follows:

Partnerships have petitioned the Commission for confidential protection of the financial information contained in their 1992 Annual Reports and 1992 Reports of Gross Operating Revenues. Partnerships maintain that this information reveals the revenues and expenses for each partner, the number of wholesale and retail customers and total number of customers, operating revenues, expenses and income at both the wholesale and retail level, non-cellular deductions, interest expenses, and total net income, all of which would provide their competitors with an unfair business advantage.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected is presented by Partnerships in summary form and does not contain sufficient detail to have significant competitive value. Therefore, no competitive harm has been established and the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

1. The petition for confidential protection of certain financial information contained in its 1992 Annual Report and 1992 Report of Gross Operating Revenues, which Partnerships have petitioned be withheld from public disclosure, be and is hereby denied.

2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 23rd day of April, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director